

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2399 of 2023

Arising Out of PS. Case No.-885 Year-2022 Thana- MOTIHARI MUFASIL District- East
Champaran

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1. HIMANSHU TIWARI @ HIMANSHU KUMAR Son of Anil Tiwari
Resident of village - Mathiya Pataura, P.S. - Muffasil, Distt. - East
Champaran
 2. Anil Tiwari Son of Late Shankar Tiwari Resident of village - Mathiya
Pataura, P.S. - Muffasil, Distt. - East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Bishpati Devi Wife of Lalji Ram Resident of village - Baswariya, P.S. -
Muffasil, Distt. - East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Abbhishek Kumar, Adv.
For the Respondent/s : Mr.Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 13-09-2023 Heard learned counsel for the appellants and learned
Spl.P.P. for the State.

2. In compliance of the order of this Court, learned Spl.P.P.
for the State informed the respondent no.2 about her appearance
in the appeal but nobody appears on her behalf.

3. This is an appeal under section 14 A (2) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities)
Amendment Act, 2015 (hereinafter in short referred to as the
'SC/ST Act'), against the refusal of prayer for anticipatory bail
vide order dated 20.03.2023, passed by learned Special Judge,



SC/ST Act, East Champaran, Motihari, in connection with Muffasil P.S. Case No.885 of 2022, registered u/s 341, 323, 307, 504, 354(A)/34 of the IPC and sections 3(i)(r)(s) of the SC/ST Act.

4. As per the F.I.R., the appellant no.1 is said to have assaulted the informant on her head by means of iron rod and appellant no.2 is alleged to have torn her blouse. All the accused persons are said to have abused her by taking caste name.

5. It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence. No such occurrence, in the manner as alleged has ever taken place. Appellants have been falsely implicated in the case with frivolous allegation. It is submitted that no offence under the SC/ST Act is made out against the appellants as the occurrence has not taken place in the public view and the same place of occurrence is near the house of the informant. Injury was found simple in nature, which is clear from the injury report enclosed at Annexure-2 and 2/1 of the memo of appeal. Appellants have no criminal antecedent.

6. Learned Spl. PP for the State opposed the prayer for bail.

7. Considering the facts and circumstances of the case and that the injury was simple in nature, let the appellants named



above, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST Act, East Champaran, Motihari, in connection with Muffasil P.S. Case No.885 of 2022, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

8. Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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